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Elimination of coercive economic measures as a means of political and economic compulsion

Report of the Secretary-General

Replies received from Governments

Libyan Arab Jamahiriya

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[9 September 1997]

1. The Libyan Arab Jamahiriya attaches the utmost importance to General Assembly resolution 51/22 of 27 November 1996 entitled "Elimination of coercive economic measures as a means of political and economic compulsion", which calls for the immediate repeal of unilateral extraterritorial laws that impose sanctions on companies and nationals of other States. That resolution reflected the views of the overwhelming majority of members of the international community (States and organizations), which joined together in public repudiation of unilateral sanctions as a means of exerting political, economic and social pressure on developing countries. They expressed their solidarity with the Libyan Arab Jamahiriya in opposition to the act passed by the Congress of the United States of America on 23 July 1996, imposing sanctions on any foreign national or company making a financial investment that contributes to enhancing the ability of the Libyan Arab Jamahiriya to develop its petroleum resources.

2. Despite the fact that the United States was called upon to accede to the demands of the General Assembly and to respond to calls from other States, regional organizations and groups that had reiterated their rejection of the act, its actions clearly showed that the position of the Administration was not only to ignore the views of States and organizations, but also to persist in the application of the provisions of the sanctions act. It must by now be obvious to everyone that the United States is determined to tighten the economic embargo on the Libyan Arab Jamahiriya by whatever means, including intimidating foreign nationals and companies by subjecting them to sanctions simply because they have decided to invest their money in the Libyan Arab Jamahiriya.

3. The circumstances surrounding the passage of the act are known to have caused many problems for foreign nationals and companies working with the Libyan Arab Jamahiriya, particularly in the oil sector. The act authorizes the imposition of sanctions on individuals and companies that make an investment of $40 million or more or a combination of investments of at least $10 million each that in the aggregate exceeds $40 million. This effectively prevents individuals and companies from investing in the oil sector and from concluding contracts for, acting as guarantors for, acquiring an interest in or entering into any contract to finance the development of petroleum resources. It is not difficult to imagine the scale of problems that the Iran and Libya Sanctions Act of 1996 poses for petroleum producers in the Libyan Arab Jamahiriya and for trade

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activities in general. Nor is it difficult to appreciate the impact that the act will have on the Libyan Arab Jamahiriya, where petroleum constitutes the principal source of national income.

4. The fact is that the oil sector is the chief target of United States sanctions policy and, although the objective of the act is to obstruct opportunities for investment in the oil sector, the underlying purpose is to destroy completely a sector that is central to the financing of the development plans of the Libyan Arab Jamahiriya. The United States began introducing sanctions in this regard on 26 March 1981, when the President issued an executive order prohibiting the export to the Libyan Arab Jamahiriya of technology, equipment, machinery, materials and spare parts required for petroleum production. The United States Government intensified those measures on 16 March 1982, when the President issued an executive order prohibiting the import of Libyan crude oil into the United States and introducing a restrictive licensing regime for all United States exports to the Libyan Arab Jamahiriya, whereby no licences would be issued for gas and petroleum technology exports originating in the United States.

5. The United States continued to take coercive measures against Libyan petroleum with the issuance of an executive order on 16 November 1985 prohibiting the import of all Libyan petroleum products into the United States and its territories and possessions.

6. Libyan oil production, which relied primarily on United States technology and equipment, was adversely affected in the following ways:

(a) Most oil production companies were affected because of the difficulty of replacing old equipment or finding the necessary spare parts;

(b) Difficulty in obtaining equipment and spare parts meant that production, servicing and maintenance costs rose and, even when equipment could be procured from indirect sources, its price went up;

(c) Efforts to increase petroleum reserves were frustrated by the fact that exploration operations could not be developed, since they require sophisticated technology.

7. The United States has offered numerous excuses for its enactment of Law No. 3107, entitled the "Iran and Libya Sanctions Act of 1996", and better known as the D'Amato-Kennedy Act. There is no truth to the excuses it used to justify the act, including the argument that the Libyan Arab Jamahiriya had failed to comply with Security Council resolutions 731 (1992) of 21 January 1992, 748 (1992) of 31 March 1992 and 883 (1993) of 11 November 1993, its statements about the trial of two suspects wanted in connection with the Pan Am flight 103 incident and the references in the act to putting an end to the support of the Libyan Arab Jamahiriya for acts of international terrorism and efforts to acquire weapons of mass destruction. The Libyan Arab Jamahiriya has not refused to hand over for trial the suspects wanted in connection with the Pan Am flight 103 incident, which is the subject of the resolutions mentioned above. The truth is that the Libyan Arab Jamahiriya has initiated legal proceedings to try the two suspects, in accordance with the provisions of the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1971, and has taken other steps, including accepting an initiative of the League of Arab States calling for the two men to be tried before Scottish judges and according to Scottish law at the International Court of Justice at The Hague. The only obstacle to this initiative is the obduracy of the other two parties to this dispute, one of which is the United States.

8. As for the excuse that the act aims to deprive the Libyan Arab Jamahiriya of a source of income that it might use to finance terrorism, that allegation can be refuted. The Libyan Arab Jamahiriya has condemned all acts of international terrorism whatever their source and has called for a special session of the General Assembly on effective measures to put a stop to terrorism, including State terrorism, of which the Libyan Arab Jamahiriya itself has been a victim. If the United States imagines that the Libyan Arab Jamahiriya is trying to manufacture weapons of mass destruction and hopes, by this act, to prevent the spread of such weapons, then one has to ask which State it is that is stockpiling those weapons. Is it not the United States itself that has the largest stockpile of weapons and that adds to it by acquiring nuclear material from other countries? Is it not the United States that is endangering international security and the security of the Middle East region by supporting Israel as it accumulates nuclear weapons and develops its expertise in that domain? One of the many proposals that have been put forward to look into this matter provides for the establishment by the Security Council of an investigative commission, to which all States in the region (including Israel) would be answerable, with the understanding that the commission could destroy any of the offending weapons it found in the region. The commission would show the world precisely which State has acquired weapons of mass destruction and which State has provided it with encouragement and assistance in doing so.

9. One of the false and misleading statements in the act is that the Libyan Arab Jamahiriya constitutes a threat to international peace and security, and consequently that it

endangers the national security of the United States itself. The international community can hardly be in any doubt about the absurdity of that assertion. As the entire world is well aware, it was not the Libyan Arab Jamahiriya that launched an attack across the ocean, bombarding United States cities and killing defenceless civilians; on the contrary, it was the United States that did precisely that to the Libyan Arab Jamahiriya in 1986, bombing its cities and, under cover of darkness, killing defenceless civilians as they slept. As the entire world also knows, it is not the Libyan Arab Jamahiriya that has hatched plots against the United States and its leadership; rather, it is the United States that has resorted to such methods, in addition to its incessant provocative actions, such as flaunting its naval might and having its warships engage in manoeuvres off the coast of the Libyan Arab Jamahiriya. In view of all this, it is presumably quite clear to the international family whether it is the Libyan Arab Jamahiriya that is endangering the security of the United States or the other way around. It must also be quite clear whose behaviour it is that constitutes a threat to international stability and must be changed.

10. In point of fact, the D'Amato-Kennedy Act is simply the latest manifestation of the unbending hostility of the United States towards the Libyan people. Ever since the Great Revolution of 1 September, the removal of United States bases from Libyan soil and the "Libyanization" of foreign petroleum companies, successive Administrations have followed a policy of enmity vis-à-vis the Libyan Arab Jamahiriya. That policy has been expressed in various forms of action, including the following:

(a) The United States Sixth Fleet has repeatedly engaged in manoeuvres off the coast of the Libyan Arab Jamahiriya, and United States fighters have frequently violated Libyan airspace and attacked the Libyan aircraft;

(b) The Libyan People's Bureau in Washington, D.C., was closed on 6 May 1981, and its entire staff was required to leave within a week;

(c) The freedom of movement of the members of the delegation of the Libyan Arab Jamahiriya to the United Nations in New York has been restricted to specific areas of the city;

(d) On 15 November 1983 the United States Department of Justice issued an order revoking the residence visas of the Libyan students or making them unrenewable, and prohibiting Libyan students from enrolling at United States universities in the fields of aviation, energy or any related subjects. As a result of those measures, hundreds of Libyan students have been prevented from pursuing their higher education, not only in the fields mentioned above but in others, such as chemistry and physics, which are known to be relevant to human life and to play an important role in the economic and social advancement of societies;

(e) On 10 December 1982 the United States Administration imposed a full embargo on exports from the United States to the Libyan Arab Jamahiriya, including exports of irrigation equipment. On 12 July 1985, Congress went a step further by voting in favour of a total ban on commercial dealings with the Libyan Arab Jamahiriya.

11. The United States Government has persisted with policies of this kind. On 7 January 1986 the President signed an executive order containing the following provisions:

(a) A ban on the import of any goods or services of Libyan origin into the United States;

(b) Prohibition of the purchase by United States citizens of Libyan goods or their re-export to third countries;

(c) An end to the implementation of all current contracts or projects in the Libyan Arab Jamahiriya in which the United States was participating or to which it was contributing funding;

(d) Prohibition of loans or credit by any United States agency for industrial or commercial projects in the Libyan Arab Jamahiriya.

12. By an executive order signed on 8 January 1986, the President of the United States froze all Libyan assets and property in the United States, including those owned by official agencies and other institutions and the Central Bank of Libya and all assets being held or managed by United States individuals or United States banks outside the United States. The total value of the assets so frozen was $818,218,440.

13. Stepping up the coercive actions of the United States against the Libyan Arab Jamahiriya, the executive order of 7 January 1986 also prohibited the re-export of products and services to the Libyan Arab Jamahiriya via other States. The executive order in question was automatically renewable every six months, and it has remained in force to this day.

14. In 1986 the United States not only prohibited all exports of United States goods, technology and services to the Libyan Arab Jamahiriya, but also banned all air traffic between the two countries, even making it unlawful to sell tickets for any air travel that included a stopover in the Libyan Arab Jamahiriya. Among other things, those measures have made it very difficult for the Libyan Arab Jamahiriya to obtain the spare parts required to ensure the safety of civil aircraft and their crews. Four years previously, in February 1982, the United States Administration had

issued an order prohibiting the sale of United States civil aircraft to the Libyan Arab Jamahiriya, and also prohibiting the sale of any other aircraft containing any United States components. All those measures, of course, violate the provisions of the Chicago Convention on International Civil Aviation, to which the United States is a party.

15. One of the objectives of the United States blockade policy is to undermine the health situation of the Libyan people. United States pharmaceutical and medical supply companies, such as Wyeth-Ayerst, Norwich, Bristol and Elder, have totally cut off shipments of their products to the Libyan Arab Jamahiriya. This is being done expressly to reverse our country's extraordinary accomplishments in the field of health, and is part of a deliberate campaign aimed at blocking our efforts to provide an adequate standard of health for the Libyan people.

16. The above examples will serve to demonstrate the impact of the application of the provisions of United States law, as mentioned in General Assembly resolution 51/22. They also show, more generally, what far-reaching effects have followed from the various actions the United States has directed against the Libyan people: confiscating their assets, denying them access to advanced fields of knowledge, depriving them of the benefits of technological progress, preventing them from implementing projects of vital importance, including projects relating to medical care, and obstructing their economic cooperation with other countries by using threats and intimidation to dissuade individuals and corporations in those countries from investing in the Libyan Arab Jamahiriya. It is not difficult to realize what serious harm the blockade and embargo imposed by United States law have inevitably done to a country like the Libyan Arab Jamahiriya, which is responding by intensifying its efforts to develop its human and material resources.